

EXHIBIT 26

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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 In the Matter of the Application of :
 :
 DOWNSTATE AT LICH HOLDING COMPANY, : Index No. _____
 INC. :
 :
 For an Order Approving the Sale of the Assets of : **AFFIDAVIT OF**
 Downstate at LICH Holding Company, Inc., : **JOEL KESTENBAUM**
 pursuant to Sections 510 and 511 of the :
 Not-for-Profit Corporation Law. :
 ----- X

STATE OF NEW YORK)
) ss:
 COUNTY OF KINGS)

JOEL KESTENBAUM, being duly sworn, deposes and says:

1. I am President of the Fortis Property Group, LLC (“Fortis”) and President of FPG Cobble Hill Acquisitions, LLC (“FPG” or “Purchaser”), a special purpose entity established by Fortis. I have personal knowledge of the facts stated herein, and I submit this affirmation in support of Downstate at LICH Holding Company, Inc.’s (“Petitioner’s”) Verified Petition for an order approving the sale of substantially all of its assets.


2. I was directly involved on behalf of Fortis and FPG in negotiating the First Amended and Restate Purchase and Sale Agreement (the “PSA”) by and among Petitioner, FPG, NYU Hospitals Center (“NYUHC”), and Fortis.

3. In accordance with the PSA, FPG will, at its sole cost, demolish the Fuller Pavilion building and the Othmer Pavilion building. The Fuller Pavilion property and the western portion of the Othmer Pavilion property are collectively referred to as the “New Medical Site.” FPG will demolish the existing buildings on the New Medical Site to facilitate the

construction of the "New Medical Building" by NYUHC pursuant to the terms of the PSA. FPG estimates the total project costs associated with demolition to be approximately \$6.6 million.

4. Once demolition is complete, FPG will, at its sole expense, perform any necessary environmental remediation at the New Medical Site required by the PSA. FPG does not know if any such remediation will be required and, therefore, does not have an estimate for any cost related thereto.


5. Pursuant to the PSA, the demolition and environmental remediation conditions must be met in order for the New Medical Site Closing (i.e., the second closing) to occur, at which time Petitioner will convey the fully cleared New Medical Site to NYUHC under PSA Section 4.2(d)(viii) and Exhibit S (New Medical Site Deed).



JOEL KESTENBAUM

Sworn to before me this

13 day of April, 2015,


CHAIM WEISS

Notary Public, State of New York

No. 01WE6291958

Qualified in Rockland County

My Commission Expires October 28, 2017

Notary Public